

**IN THE UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF GEORGIA
MACON DIVISION**

T.B., a minor child individually, <i>et al.</i>,)	
)	
Plaintiffs,)	
)	
v.)	CIVIL ACTION NO. 5:10-CV-186(MTT)
)	
BIBB COUNTY BOARD OF)	
EDUCATION, <i>et al.</i>,)	
)	
Defendants.)	
)	

ORDER

This matter is before the Court on Defendant Khoriantre Watkins Ware's Motion to Dismiss (Doc. 8). Following a hearing on Defendant Ware's motion, the Court ordered the Plaintiffs to amend their complaint to provide a more definite statement of their claims against Defendant Ware (Doc. 29).

Rather than submit an amended complaint, the Plaintiffs filed their own Motion to Dismiss Defendant Ware (Doc. 30). In their Motion, the Plaintiffs withdrew their opposition to Defendant Ware's Motion to Dismiss to the extent that it sought dismissal of the Plaintiffs' federal law claims against Defendant Ware. Accordingly, those claims against Defendant Ware based on federal law are hereby **DISMISSED** with prejudice.

In the same Motion, the Plaintiffs moved the Court, presumably pursuant to Fed. R. Civ. P. 41(a)(2), to dismiss their state-law claims against Defendant Ware without prejudice. Because Defendant Ware will suffer no clear legal prejudice, other than the mere prospect of a subsequent lawsuit, dismissal without prejudice, though not

required, is appropriate. Moreover, because all claims against Defendant Ware based on federal law have been dismissed, it is appropriate for the Court to decline to exercise supplemental jurisdiction over the Plaintiff's state law claims against Ware. 28 U.S.C. § 1367(c)(3). Accordingly, the Plaintiffs' state-law claims against Defendant Ware are **DISMISSED** without prejudice, and Defendant Ware is **DISMISSED** from this action.

The remaining parties shall submit their Proposed Scheduling and Discovery Order no later than October, 30, 2010. The stay of discovery entered October 1, 2010 is lifted.

SO ORDERED, this 22nd day of October, 2010.

S/ Marc T. Treadwell
MARC T. TREADWELL, JUDGE
UNITED STATES DISTRICT COURT